

No.

200400102



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

NexGen Seed Research, LLC

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

FESCUE, TALL

'Covenant'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this seventh day of September, in the year two thousand and seven.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER NexGen Seed Research, LLC		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME ATF802	3. VARIETY NAME Covenant
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) 33725 Columbus St. SE Albany, OR 97322		5. TELEPHONE (include area code) 541-967-8923	FOR OFFICIAL USE ONLY PVPO NUMBER #200400102 FILING DATE 2/9/2004
		6. FAX (include area code) 541-967-8223	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Incorporated	8. IF INCORPORATED, GIVE STATE OF INCORPORATION Oregon	9. DATE OF INCORPORATION July 31, 2006	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Kenneth Hignight C/O 33725 Columbus St SE Albany, OR 97322 USA			FILING AND EXAMINATION FEES: \$ 3,652.00 DATE 2/9/2004 CERTIFICATION FEE: \$ 768.00 DATE 7/18/2007
11. TELEPHONE (Include area code) (541) 967-8923	12. FAX (Include area code) (541) 967-8223	13. E-MAIL	
14. CROP KIND (Common Name) Tall Fescue	16. FAMILY NAME (Botanical) Poaceae	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.	
15. GENUS AND SPECIES NAME OF CROP Festuca arundinacea	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)	
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED	
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$3,652), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)	
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)	
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER	
NAME (Please print or type) Kenneth Hignight		NAME (Please print or type)	
CAPACITY OR TITLE Director of Research	DATE 6-11-07	CAPACITY OR TITLE Director of Research	DATE

(See reverse for instructions and information collection burden statement)

Exhibit A:**Origin and Breeding History**

Covenant
~~<ATF802>~~ Tall Fescue
(BT:10/12/2006)

1. Origin:

The tall fescue (*Festuca arundinacea*) cultivar ATF802 traces its origin to a seed source obtained from Rutgers University in 1988. This seed originated from half-sib progenies from 22 clones and selected from a nursery which contained 109 plants. These plants were maintained at 15 cm height without irrigation and low fertility. Parental germplasm originated from plants selected in New Jersey, Maryland, Connecticut, Washington D.C., Alabama, Georgia, Idaho, Ohio, South Carolina, North Carolina, Missouri, Tennessee and Mississippi. They were collected from Golf courses, lawns, pastures, parks, and other similar turfs between 1961 and 1976. Population improvement projects involved many cycles of phenotypic assortive mating each followed by single plant progeny trials maintained in stressful turf environments.

Breeding History:

- 1988: Seed obtained from Rutgers University under the HEK agreement and was designated as the base population. A plant selection field was established in the fall of 1988 containing the R89 populations.
- 1989: Plants were allowed to grow and observations were taken.
- 1990: Plants were allowed to grow and observations were taken.
- 1991: A 15 clone polycross group was comprised of R89-58 (4 clones) x R89-18 (4 clones) x R89-76 (4 clones) x R89-4 (3 clones). The polycross was formed before anthesis based on dwarf growth habit, dark foliage color and number of seed heads. Seed was harvested and a plant selection field of 2,000 plants was established.
- 1992: Off-type plants were rogued from the 2,000 plant block and the seed was harvested in bulk.

- 1993: In the fall, a turf trial was sown with the University of Georgia; Griffin, GA.
- 1994: In the late summer survivors from the 1993 trial were removed, returned to Albany, Oregon for increase and designated ATF289.
- 1995: ATF289 was harvested in bulk.
- 1996: In the fall, a turf trial was sown with the University of Georgia; Griffin, GA. which included ATF289.
- 1997: In the late summer survivors from the 1996 trial were removed, returned to Albany, Oregon for increase and designated ATF504.
- 1998: ATF504 was harvested in bulk. A single plant nursery containing 1,140 plants was established of ATF504.
- 1999: Seventy- four clones were selected from the single plant nursery before anthesis. The selections were based on crown density, genetic color, leaf texture, and freedom from disease. The 74 plants were then screened for the presence of the endophytic fungus (*Neotyphodium coenophilum*) and found to be 24% infected. The 74 clones were allowed to interpollinate. The 18 endophyte infected clones were harvested in bulk and designated ATF705. In the fall a single plant nursery containing 1,980 plants was established of ATF705.
- 2000: Fifty-eight clones were selected from the single plant nursery before anthesis. The selections were based on crown density, genetic color, leaf texture, and freedom from disease. The 58 clones were allowed to interpollinate. The 58 clones were harvested in bulk and designated ATF802. In the fall, a 2,088 plant block was established of ATF802 for breeder seed.
- 2001: The breeder seed block was harvested in bulk and designated ^{'Covenant' (BT: 10/12/06)} ATF802 breeder seed. A morphological nursery was established in the fall for Plant Variety Protection (PVP) measurements.

2. Breeder Seed Maintenance:

A breeder seed multiplication was planted in isolation in 2000 in Albany, OR. Seed was harvested in bulk in 2001 and is maintained in cold storage. Seed propagation is limited to three generations, one each of foundation, registered, and certified.

3. Stability and Uniformity:

(ST:10/12/06) ^{'Covenant'}
~~ATF802~~ has been a stable uniform cultivar over two generations. No off-type or variant plants have been observed during the multiplication or reproduction. During the breeder seed multiplication 1% of the plants were removed to improve the uniformity of the population. These types were not observed during the subsequent generations. Turf plots of ATF802 have been uniform and stable.

Exhibit A (addendum): Statement of Stability and Uniformity for ATF802 Tall Fescue ^{'Covenant'}
(ST: 10/12/06)

ATF802 has been a stable uniform cultivar over two generations. No off-type or variant plants have been observed during the multiplication or reproduction. During the breeder seed multiplication 1% of the plants were removed to improve the uniformity of the population. The plants that were removed showed less vigor and had poor plant health. It is not known if the lack of vigor was due to environmental factors, genetic factors, or an environment by genetic interaction. These types were not observed during the subsequent generations. Turf plots of ATF802 have been uniform and stable. ^{'Covenant'}
(ST: 10/12/06)

Exhibit B:

Novelty Statement of ^{'Covenant'}ATF802 Tall Fescue
(ST:10/12/06)

The following summary outlines the distinctive characteristics of ^{'Covenant'}ATF802 (ST:10/12/2006). The novelty of ATF802 is based on the unique combination of these characteristics. ATF802 is most similar to Rebel II, but may be differentiated by using the following criteria:

1. The genetic color of ATF802 is darker compared to Rebel II (tables 1A, 1B).
2. The flag leaf characteristics of length and width of ATF802 are shorter compared to Rebel II (tables 1A, 1B).
3. The leaf blade length and sheath length of ATF802 are shorter compared to Rebel II (tables 1A, 1B).
4. The lemma awn length is less for ATF802 than Rebel II (tables 2A, 2B).
5. ATF802 has fewer spikelets per panicle than Rebel II (tables 2A, 2B).
6. The number of florets per spikelet is greater for ATF802 compared to Rebel II (tables 2A, 2B).
7. Rebel II is more erect than ATF802 (tables 3A, 3B).
8. ATF802 has a higher frequency of plants with purple pigmentation in the panicles than Rebel II (tables 3A, 3B).
9. ATF802 produces more plants with purple glumes compared to Rebel II (tables 3A, 3B).
10. ^{'Covenant'}ATF802 produces more plants with only one branch of the lower most whorl (tables 3A, 3B).

(ST:10/12/2006)

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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**U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY PROGRAM
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705**

**EXHIBIT C
(TALL & MEADOW FESCUES)**

**OBJECTIVE DESCRIPTION OF VARIETY
TALL & MEADOW FESCUES
(*Festuca* spp.)**

NAME OF APPLICANT(S) NexGen Seed Research, LLC	TEMPORARY DESIGNATION ATF802	VARIETY NAME Covenant
ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) 33725 Columbus St. SE Albany, OR 97322		FOR OFFICIAL USE ONLY PVPO NUMBER #200400102

Place the appropriate number that describes the varietal characteristics of this variety in the boxes below. Use leading zeroes when necessary (e.g. 089). Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

*** 1. SPECIES: (With comparison varieties, use varieties within the species of the application variety)**

 6 1 = *F. arundinacea* (Tall)

Turf Types

1 = Kentucky 31	2 = Rebel	3 = Olympic	4 = Bonanza	5 = Arid	6 = Rebel II
7 = Shortstop	8 = Silverado	9 = Rebel Jr.	10 = Mini Mustang	11 = Crewcut	12 = Bonsai

Forage Types

20 = Kentucky 31	21 = Martin	22 = Forager	23 = Mozark
24 = Kenhy	25 = AU Triumph	26 = Fawn	27 = Cajun

 2 = *F. pratensis* (Meadow)

30 = Admira	31 = Beaumont	32 = Comtessa	33 = Ensign	34 = Trader
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*** 2. CYTOLOGY:**

 42 Chromosome Number

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)

 2 Transition Zone 2 West 2 Northeast Other (Specify): _____

*** 4. MATURITY: (Date First Headed, 10% of Panicle Emergence)**

 5 Maturity Class 1 = Very early () 2 = AU Triumph 3 = Early (Fawn) 4 = K31, Kenhy 5 = Medium (Rebel)

4. MATURITY: (continued)

6 = Bonanza

7 = Late (Silverado)

8 = ()

9 = Very late 2004 00102

Date Headed _40.00 (days after April 1,)_

Location _Albany, OR_

_____ Days earlier than _____
 Maturity same as _6_
 _____ Days later than _____

} Comparison Variety

* 5. MATURE PLANT HEIGHT CM: (Average of 100 culms * INTERNODE LENGTH CM:

from crown to top of panicle, if panicle is nodding, straighten)

(First internode subtending the flag leaf)

_91_48_ cm Height

_16_48_ cm InternodeLength

_____ cm Shorter than _____
 Height same as _6_
 _____ cm Taller than _____

} Comparison Variety

_____ cm Shorter than _____
 Length same as _6_
 _____ cm Longer than _____

} Comparison Variety

* HEIGHT AT EAR EMERGENCE CM: (Flag leaf height from crown to flag leaf node)

18.75 cm Height

_____ cm Shorter than _____
 Height same as _6_
 _____ cm Taller than _____

} Comparison Variety

* 6. GROWTH HABIT: (Mature Plants)

7 1 = Prostrate ()

3 = Semiprostrate ()

5 = Horizontal ()

7 = Semierect (Rebel)

9 = Erect (Mini Mustang)

* 7. RHIZOMES (Psuedo):

_____ mm Length

_X_1 = Absent ()

2 = Rare (Rebel)

3 = Common ()

* 8. LEAF BLADE: (Tiller leaves/ turf color)

* _7_ Color: 1 = Light green ()

3 = Medium light green ()

5 = Green ()

7 = Medium dark green ()

9 = Very dark green ()

5 Specify rating of comparison variety

* _1_ Anthocyanin: 1 = Absent ()

9 = Present ()

* _1_ Basal Hairs: 1 = Absent ()

9 = Present ()

* _5_ Margins: 1 = Smooth ()

5 = Semi-rough ()

9 = Rough ()

8. LEAF BLADE: (continued)

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*_7_ Width Class: 1 = Very coarse () 3 = Coarse () 5 = Medium ()

7 = Fine () 9 = Very Fine ()

* TILLER LEAF LENGTH CM: (First leaf subtending the flag leaf)

* TILLER LEAF WIDTH MM:

27.85 cm Tiller Leaf Length

8.70 mm Tiller Leaf Width

4.90 cm Shorter than _6_ }
 Length same as _ } Comparison Variety
 _ cm Taller than _ }

_ mm Narrower than _ }
 Width same as _6_ } Comparison Variety
 _ mm Longer than _ }

FLAG LEAF LENGTH CM:

FLAG LEAF WIDTH MM:

48.10 cm Flag Leaf Length

5.15 mm Flag Leaf Width

2.80 cm Shorter than _6_ }
 Length same as _ } Comparison Variety
 _ cm Longer than _ }

0.88 mm Narrower than _6_ }
 Width same as _ } Comparison Variety
 _ mm Wider than _ }

* 9. LEAF SHEATH: (Basal Portion)

*_1_ Anthocyanin (seedling): 1 = Absent (K31) 9 = Present ()

*_9_ Auricle Hairiness: 1 = Absent () 9 = Present ()

* 10. PANICLE: (At seed maturity except where noted.)

*_7_ Shape: 1 = Narrow-tapering (47%) 5 = Ovate () 7 = Oblong (53%) 9 = Other (specify)

*_7_ Type: 1 = Compact (47%) 5 = Intermediate () 7 = Open (53%) 9 = Other (specify)

*_9_ Orientation: 1 = Nodding () 9 = Erect (100%)

*_1_ Branch Pubescence: 1 = Glabrous (98%) 9 = Pubescent ()

*_1_ Anther Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
 4 = Purplish 5 = Reddish 6 = Other (Specify)

*_1_ Glume Color (At anthesis): 1 = Yellowish Green 2 = Green 3 = Bluish Green
 4 = Purplish 5 = Reddish 6 = Other (Specify)

*_72.38_ cm Panicle Length (from base to tip, if nodding, straighten; after anthesis)

_ cm Shorter than _ }
 Length same as _6_ } Comparison Variety
 _ cm Longer than _ }

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_____ mg Less than _____	}	Comparison Variety
Weight same as _____		
<u>304</u> mg More than <u>6</u>		

1.55 mm Lemma Width

____ mm Narrower than ____
 Width same as ____ 6 ____
 ____ mm Wider than ____

} Comparison Variety

0.24 mm Shorter than _6_ }
 Length same as _____ } Comparison Variety
 _____ mm Longer than _____ }

0 Blind Seed *Gloeotinia temulenta*0 Dollar Spot *Lanzia*, *Mollerdiscus* spp.0 Stem Rust *Puccinia graminis*0 T. Blight *Typhula incarnata*

0 Pythium Blight *Pythium* spp.

0 Powdery Mildew *Erysiphe graminis*0 Crown Rust *Puccinia coronata*

Other Nematode

5 Shade Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

13. ENVIRONMENTAL STRESS: (continued)

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5 Winter Stress 1 = Susceptible () 5 = Tolerant () 9 = Resistant ()

14. GIVE VARIETY OR VARIETIES THAT MOST CLOSELY RESEMBLE THE APPLICATION VARIETY. For the following characteristics, indicate the degree of resemblance with the following scale:

1 = Application variety is less than comparison variety 2 = Same as 3 = More than, better, greater, darker, etc.

Character	Varieties	Rating	Character	Varieties	Rating
Leaf Width	Rebel II	2	Leaf Color	Rebel II	3
Panicle Color	Rebel II	3	Panicle Shape	Rebel II	2
Seed Size	Rebel II	3	Cold Injury	Rebel II	2
Winter Color	Rebel II	3	Heat	Rebel II	3
Disease	Rebel II	3			

* 15. EXPERIMENTAL: Give a brief summary of the experimental design utilized to collect the data used on this form. Cultural conditions, number of plants measured and plant spacing must be specified.

A morphological nursery designated 01PVPFA was established in September 2001, in Albany, Oregon. Experimental design consisted of 20 entries; 4 replications per entry; 20 plants per replication; for a total of 80 plants per entry for tables 1A, 1B. Experimental design consisted of 20 entries; 4 replications per entry; 20 plants per replication; for a total of 80 plants per entry for tables 2 - 4. KY-31, Rebel II, Plantation and Tulsa were used as standards. Plants were established on 2.5 foot centers with a skip row between replications and between entries.

The nursery received 30 pounds of nitrogen per acre rate following establishment and 50 pounds of nitrogen per acre per year in 2002 and 2003. The fertilizer source was 15 - 15 - 15 and was applied as a split application with ½ applied in the spring and ½ in the autumn. The nursery was sprayed twice each spring, 3 weeks between applications, with Tilt (2oz/acre rate), to prevent stem rust. One pound of Karmex per acre rate was applied during the late summer to prevent emergence of volunteer seedlings.

Data was analyzed using analysis of variance for a randomized complete block design. Means were calculated for each replication and then analyzed.

Exhibit D:**Additional Description**

'Covenant'
ATF802 Tall Fescue
 (ST:10/12/2006)

'Covenant'
 ATF802 is an improved turf-type tall fescue. It has a shorter growth habit (tables 1A, 1B) than previously released tall fescue cultivars, such as KY-31. ATF802 has a medium maturity with a heading date later than KY-31 (tables 1A, 1B). ATF802 exhibits a darker genetic color compared to KY-31, Rebel II and Tulsa (tables 1A, 1B). The leaf blade length and width of ATF802 is shorter compared to KY-31 and Rebel II (tables 1A, 1B). ATF802 has a shorter leaf blade length and sheath length than KY-31 and Rebel II (tables 1A, 1B). The glume length is shorter for ATF802 compared to KY-31 and Plantation (tables 2A, 2B). The number of spikelets per panicle is reduced in ATF802 compared to KY-31, Rebel II and Plantation (tables 2A, 2B). ATF802 has a higher number of florets per spikelet compared to Rebel II, Plantation and Tulsa (tables 2A, 2B). The growth habit of ATF802 is more erect than KY-31 and Tulsa, but less than Rebel II and Plantation (tables 3A, 3B). The presence of purple pigmentation in the anthers is more frequent in ATF802 than KY-31 and Plantation (tables 3A, 3B). ATF802 produces more purple pigmentation in the panicles compared to KY-31, Rebel II, Plantation and Tulsa (tables 3A, 3B). The expression of purple pigmentation in the glumes is more frequent in ATF802 compared to KY-31 and Plantation (tables 3A, 3B). The number of branches of the lower most whorl is a distinguishing characteristic. ATF802 produces more plants with only one branch of the lower most whorl compared to KY-31, Rebel II and Plantation (tables 3A, 3B). KY-31 and Plantation have a higher degree of pubescence of the panicle branch than ATF802. The seed weight of ATF802 is greater than Rebel II, Plantation and Tulsa; but a lower weight than KY-31 (tables 4A, 4B). The dark pigmentation of the nodes is more frequent in **'Covenant'** ATF802 (ST:10/12/2006) compared to Rebel II, Plantation and Tulsa (tables 4A, 4B).

Table 1A

2002 Morphological Data

ST: 10/12/06

Covenant' (Scale: 1-9 9=Darkest green) (BT: 6/11/2009)

Cultivar	Genetic Color	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (mm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
ATF802	5.66	40.00	65.75	91.48	11.13	72.38	34.15	5.98	18.75	22.18	16.48	27.85	8.70	13.58	10.98
SBL	5.71	36.25	64.75	95.18	11.03	73.18	35.28	6.70	21.93	21.83	17.25	30.05	8.85	16.48	11.73
SBM	5.58	39.00	65.25	88.85	11.00	67.83	32.45	6.03	21.05	20.85	17.35	35.08	8.60	15.40	11.63
RB3	6.21	38.25	65.00	86.90	10.83	69.03	32.35	6.98	17.88	20.33	15.15	27.65	9.23	13.90	11.03
RB2	5.90	35.50	64.50	89.40	10.40	68.85	33.45	6.78	19.45	21.00	16.68	28.25	8.93	15.03	11.25
ATF799	5.89	43.75	66.75	83.28	10.45	62.83	29.08	6.00	20.38	19.05	17.10	26.08	8.38	14.13	10.85
ATF800	5.61	42.50	67.25	93.05	10.78	68.63	33.65	6.00	24.75	22.25	20.48	29.40	8.30	17.05	12.10
ATF704S1	5.43	38.00	65.75	97.10	11.18	70.98	35.03	6.38	25.05	22.70	20.35	29.88	8.38	17.63	12.33
ATF803	5.59	39.50	66.75	92.48	10.60	72.73	36.48	7.45	19.63	22.10	16.65	31.48	9.35	15.10	11.83
ATF805	6.13	45.75	69.75	73.20	8.75	58.40	28.48	5.78	14.68	18.38	13.38	23.53	8.03	10.95	9.60
KY-31	3.86	35.25	65.25	122.95	11.23	83.73	48.43	7.68	37.30	32.63	26.38	44.10	11.05	31.05	18.65
Rebel II	5.04	41.25	66.50	88.18	10.60	68.45	38.00	7.58	19.35	23.10	16.70	32.75	9.85	15.63	12.48
Plantation	5.69	40.25	66.00	89.23	11.03	68.00	35.28	6.73	20.95	22.15	17.13	31.20	9.25	16.35	12.55
Tulsa	5.09	40.50	66.50	97.98	11.00	72.35	37.35	6.48	24.53	23.40	19.78	32.40	8.63	18.78	13.00
018	6.06	40.50	66.00	88.15	11.15	68.08	33.43	6.73	20.28	20.98	16.90	28.40	8.80	14.85	11.45
LSD(.05)	0.21	2.01	1.42	5.38	0.90	4.02	2.49	0.63	2.47	1.31	1.56	3.65	0.60	1.94	0.94
CV	3.31	4.32	1.82	4.89	7.02	4.83	5.97	8.27	9.33	4.96	7.18	10.05	5.81	9.83	6.54

■ Cultivar under evaluation

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

200400102

Table 1B

2003 Morphological Data

AT:19/12/06

Cultivar	Genetic Color (Scale: 1-9, 9=Dark est green) (AT:6/11/03)	Heading Date (days after April 1)	Anthesis Date (days after April 1)	Mature Plant Height (cm)	Plant Width (cm)	Panicle Length (cm)	Flag Leaf Length (cm)	Flag Leaf Width (mm)	Flag Leaf Height (cm)	Flag Leaf Sheath Length (cm)	Flag Leaf Internode Length (cm)	Leaf Blade Length (cm)	Leaf Blade Width (mm)	Leaf Blade Height (cm)	Leaf Sheath Length (cm)
'Covenant'															
ATF8027	5.71	58.50	60.60	120.35	27.50	80.30	48.10	5.15	38.65	29.05	25.75	42.88	5.88	29.43	17.73
SBL	5.58	51.25	56.65	115.93	28.25	77.35	46.50	5.10	37.90	28.90	24.98	42.50	5.85	31.43	17.50
SBM	5.64	57.25	59.65	111.50	27.25	71.43	43.60	5.10	38.95	26.53	24.98	40.60	6.15	31.45	16.68
RB3	5.96	55.50	58.35	115.60	27.75	76.43	44.40	5.38	38.13	27.10	24.75	43.63	6.05	29.58	17.10
RB2	6.06	52.00	56.48	113.75	28.00	73.23	44.68	5.00	39.88	26.63	24.70	41.95	5.38	30.45	17.50
ATF799	5.90	60.75	61.98	107.50	27.25	67.68	38.88	4.40	38.75	23.28	25.20	38.25	5.18	28.65	16.28
ATF800	5.76	58.50	59.83	118.05	28.50	76.53	42.60	4.85	39.60	27.40	27.35	41.48	5.40	28.30	17.78
ATF704S1	5.43	51.25	56.50	118.13	27.50	76.93	45.05	5.10	39.85	27.65	26.45	40.13	5.70	28.73	17.38
ATF803	5.53	58.00	60.30	120.65	27.00	78.18	46.43	5.25	42.98	28.08	24.80	45.03	6.00	33.50	18.43
ATF805	6.34	58.50	60.83	110.10	25.75	75.38	42.53	5.15	34.83	25.80	22.85	39.85	5.90	26.30	16.43
KY-31	2.99	46.00	54.28	145.90	27.50	89.48	59.13	7.18	37.30	37.18	28.05	61.03	9.05	51.40	24.68
Rebel II	5.11	57.75	59.08	118.63	27.75	82.08	50.90	6.03	36.43	28.98	24.58	48.60	6.33	28.58	18.98
Plantation	5.71	57.75	60.28	118.68	27.75	77.60	46.80	5.68	40.40	27.85	24.75	44.43	6.78	31.53	18.33
Tulsa	5.10	57.25	59.98	118.65	27.00	79.68	47.78	5.18	39.13	28.55	25.48	43.20	5.45	29.28	17.85
018	6.10	59.50	60.73	108.98	27.00	70.58	44.63	5.25	38.13	26.70	23.83	42.80	6.25	29.10	16.83
LSD (.05)	0.25	2.47	1.15	4.51	1.77	3.91	2.13	0.78	3.57	1.44	1.16	2.42	0.92	3.55	1.06
CV	3.90	3.74	1.65	3.25	5.47	4.33	3.90	12.72	7.51	4.34	3.86	4.67	12.97	9.61	4.99

■ Cultivar under evaluation

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Measurements taken in Albany, Oregon

4 reps; 20 plants/rep = 80 data points

200400102

Table 2A

2002 Laboratory Morphological Data

IT:10/12/06

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Length of Panicle from Lower Most Whorl to Tip (cm)	Spikelets per Panicle	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm) (BT:6/11/02)	Number of Spikelets on the Longest Whorl
<i>Covenant</i>													
ATF802	7.00	1.55	0.83	6.34	1.21	5.31	20.60	82.67	8.20	13.50	92.07	52.87	15.27
SBL	6.85	1.46	1.06	6.45	1.15	5.36	20.53	80.00	7.10	13.00	89.57	51.30	14.83
SBM	6.83	1.55	1.08	6.41	1.17	5.08	19.60	80.00	7.20	13.07	86.10	47.60	14.50
RB3	6.80	1.55	0.91	6.32	1.19	5.15	18.47	76.67	7.53	13.17	76.40	46.43	13.50
RB2	6.46	1.56	0.86	6.08	1.22	5.12	17.87	76.67	7.17	12.47	76.33	45.23	12.83
ATF799	6.55	1.47	0.84	6.19	1.15	5.00	17.23	72.33	7.50	12.87	74.47	42.80	13.80
ATF800	7.17	1.46	0.94	6.65	1.13	4.98	18.77	70.00	7.33	13.20	80.07	46.87	11.73
ATF704S1	7.14	1.46	0.94	6.61	1.14	5.57	19.07	73.67	7.47	13.13	79.70	47.17	12.10
ATF803	6.77	1.49	0.82	6.28	1.10	5.31	21.73	85.33	7.67	13.07	101.13	54.20	13.80
ATF805	6.73	1.51	0.88	6.37	1.11	5.29	16.93	80.67	8.10	13.50	71.93	41.53	13.97
KY-31	7.74	1.62	0.98	7.25	1.26	5.77	29.33	116.33	8.07	15.13	111.17	67.90	16.33
Rebel II	6.77	1.45	1.07	6.35	1.09	5.35	21.67	98.00	6.90	12.53	91.77	53.83	14.57
Plantation	6.72	1.45	0.80	6.33	1.14	4.83	20.43	97.33	7.17	12.63	87.10	48.40	15.50
Tulsa	6.72	1.48	0.78	6.25	1.14	4.87	21.60	93.67	7.27	12.50	89.80	50.77	13.87
018	7.11	1.49	0.92	6.45	1.12	5.00	20.43	85.00	7.63	13.53	86.83	48.17	16.30
LSD (.05)	0.31	0.08	0.17	0.23	0.08	0.34	2.31	11.18	0.85	0.91	13.15	5.49	2.95
CV	3.25	3.94	12.97	2.64	5.23	4.83	8.32	9.84	8.43	5.08	11.21	8.11	15.44

T:8/8/06

■ Cultivar under evaluation

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

200400102

Table 2B

2003 Laboratory Morphological Data

Cultivar	Lemma Length (mm)	Lemma Width (mm)	Lemma Awn Length (mm)	Palea Length (mm)	Palea Width (mm)	Glume Length (mm)	Length of Panicle from Lower Most Whorl to Tip (cm)	Spikelets per Panicle	Florets per Spikelet	Spikelet Length (mm)	Length of Longest Whorl (mm)	Distance Between Lower Most Whorls (mm) (ST: 6/11/07)	Number of Spikelets on the Longest Whorl
ST: 10/12/2006 'Covenant'													
ATF8027	6.47	1.37	1.37	6.07	1.17	4.80	27.43	92.33	5.60	10.53	111.00	68.57	18.27
SBL	7.06	1.49	1.47	6.39	1.20	5.17	26.13	92.00	5.63	11.43	101.40	67.87	16.83
SBM	7.15	1.48	1.51	6.53	1.18	4.98	25.67	89.67	5.57	11.47	108.50	63.93	17.07
RB3	7.16	1.45	1.48	6.50	1.22	5.07	26.23	92.67	5.27	11.27	100.10	66.67	17.93
RB2	6.88	1.43	1.21	6.22	1.19	4.95	25.87	99.33	5.13	10.73	104.77	63.30	19.57
ATF799	6.52	1.46	1.15	6.10	1.17	4.72	22.50	85.33	5.23	10.50	89.47	55.83	15.93
ATF800	6.30	1.42	1.15	6.16	1.18	4.44	23.10	77.67	4.87	10.43	81.70	57.10	11.37
ATF704S1	6.92	1.57	1.55	6.59	1.29	5.17	26.37	82.67	5.60	11.40	104.23	68.03	15.40
ATF803	6.20	1.60	1.35	6.18	1.20	4.98	28.83	97.67	4.97	10.47	126.50	69.93	17.30
ATF805	6.06	1.42	1.55	6.08	1.09	4.79	24.57	103.00	5.53	10.50	85.17	58.53	16.57
KY-31	7.28	1.55	1.59	7.13	1.32	5.41	34.67	122.67	6.23	13.23	123.40	80.83	17.93
Rebel II	6.75	1.47	1.80	6.21	1.18	5.00	29.47	108.00	4.53	10.63	117.07	71.40	18.47
Plantation	6.41	1.45	1.31	6.14	1.19	4.40	27.30	105.33	4.80	10.13	106.87	65.43	17.37
Tulsa	6.33	1.42	1.39	5.97	1.24	4.51	27.67	100.67	4.77	9.87	101.97	68.40	16.97
018	6.45	1.41	1.52	6.08	1.15	4.51	25.93	92.33	5.37	10.60	96.53	63.23	16.90
ST: 2/8/06 LSD (.05)	0.70	0.10	0.27	0.31	0.10	0.37	1.81	8.48	0.47	0.79	11.74	5.46	2.80
CV	7.74	4.86	13.52	3.64	6.31	5.60	4.93	6.51	6.53	5.28	8.27	6.05	12.18

■ Cultivar under evaluation

■ Significant difference over two years one location.

■ Significant difference over one year one location.

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

200400102

Table 3A

2002 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Semi- Prostrate	Growth Habit at Anthesis % Horizontal	Growth Habit at Anthesis % Semi- Erect	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemma Awn % Present	Glume Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Oblong	Panicle Type % Open	Panicle Branch Lower Whorl =1	Panicle Branch Lower Whorl =2	Panicle Branch Lower Whorl >3	Panicle Branch Pubescence % Present
<i>Covenant</i> ATF802>	3	25	58	14	7	50	100	3	0	53	53	23	75	2	2
SBL	0	20	45	35	5	20	100	2	3	60	60	30	65	5	3
SBM	0	2	56	42	5	27	100	3	2	65	65	20	75	5	8
RB3	0	28	42	30	2	18	100	0	0	72	72	30	67	3	7
RB2	0	12	55	33	10	20	100	2	0	67	67	20	75	5	2
ATF799	0	17	58	25	10	43	100	0	0	38	38	40	55	5	12
ATF800	0	32	53	15	3	45	100	5	0	43	43	18	78	2	0
ATF704S1	0	22	71	7	3	20	100	3	0	47	47	23	75	2	5
ATF803	2	50	45	3	0	32	100	2	5	30	30	8	83	9	3
ATF805	0	20	62	18	3	23	100	2	0	27	27	15	82	3	3
KY-31	10	62	28	0	3	7	100	0	15	23	23	8	87	5	18
Rebel II	3	17	48	32	3	40	100	0	0	48	48	9	80	11	3
Plantation	0	8	64	28	5	35	100	0	0	50	50	13	85	2	12
Tulsa	2	34	57	7	3	32	100	3	3	45	45	10	88	2	2
018	0	5	57	38	5	25	100	0	0	45	45	40	60	0	7

■ Cultivar under evaluation

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

200400102

ST: 10/12/2006

Table 3B

2003 Additional Morphological Measurements of the Panicle

Cultivar	Growth Habit at Anthesis % Semi- Prostrate	Growth Habit at Anthesis % Horizontal	Growth Habit at Anthesis % Semi- Erect	Growth Habit at Anthesis % Erect	Anther Color % Purple	Panicle Color % Purple	Lemma Awn % Present	Glume Color % Purple	Panicle Orientation % Nodding	Panicle Shape % Oblong	Panicle Type % Open	Panicle Branch Lower Whorl =1	Panicle Branch Lower Whorl =2	Panicle Branch Lower Whorl >3	Panicle Branch Pubescence % Present
'Covenant'															
ATF802>	5	36	53	6	2	17	100	8	0	77	77	38	60	3	1
SBL	0	22	45	33	2	12	100	3	0	65	65	34	59	7	4
SBM	0	4	55	41	2	7	100	2	0	62	62	24	68	9	2
RB3	0	25	47	28	2	3	100	0	0	66	66	39	49	13	0
RB2	0	11	57	32	2	3	100	0	0	72	72	54	44	2	1
ATF799	0	33	54	13	3	12	100	3	0	66	66	36	54	10	1
ATF800	0	41	52	7	18	0	100	3	0	70	70	21	68	11	5
ATF704S1	0	25	70	5	2	5	100	5	0	81	81	25	71	4	2
ATF803	6	49	43	2	2	12	100	5	0	70	70	24	71	6	1
ATF805	0	17	67	16	0	5	100	0	0	55	55	31	59	10	2
KY-31	12	55	33	0	0	0	100	7	0	100	100	15	75	10	5
Rebel II	3	20	42	35	3	8	100	0	0	80	80	19	64	18	0
Plantation	0	3	72	25	0	13	100	3	2	72	72	15	76	9	6
Tulsa	4	33	60	3	3	10	100	0	0	80	80	35	59	6	1
018	0	2	75	23	0	3	100	0	0	69	69	33	59	9	0

■ Cultivar under evaluation

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

200400102

10/12/2006

Table 4A

2002 Additional Morphological Measurements

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to the Touch % Smooth	Leaf Blade Margin Roughness to the Touch % Semi-Rough	Leaf Blade Margin Roughness to the Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Rhizomes % Present	Lemma Hairs % Present	Palea Hairs % Present	Node Color % Distinct	Seed Weight (mg/1,000 seeds)
Covenant ATF802	0	33	24	43	100	98	0	98	100	30	2638
SBL	0	35	33	32	97	93	0	100	100	15	2578
SBM	0	35	23	42	98	98	0	95	100	2	3194
RB3	0	18	35	47	100	97	0	98	100	5	3977
RB2	0	28	22	48	98	95	0	97	100	3	2103
ATF799	0	25	22	53	100	97	0	100	100	7	2350
ATF800	0	7	22	71	100	100	0	100	100	32	3080
ATF704S1	0	30	32	38	100	97	0	100	100	17	2562
ATF803	0	15	18	67	100	97	0	100	100	28	3195
ATF805	0	10	12	78	100	95	0	100	100	12	3006
KY-31	0	58	22	18	100	95	0	100	100	30	2924
Rebel II	0	12	15	73	100	98	0	100	100	10	2334
Plantation	0	15	25	60	100	100	0	100	100	3	2458
Tulsa	0	47	16	37	100	98	0	100	100	15	2347
018	0	13	12	75	100	100	0	100	100	5	2338

■ Cultivar under evaluation

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

200400102

r:10/12/2006)

Table 4B

2003 Additional Morphological Measurements

Cultivar	Anthocyanin Present in the Leaf Blade % Purple	Leaf Blade Margin Roughness to the Touch % Smooth	Leaf Blade Margin Roughness to the Touch % Semi-Rough	Leaf Blade Margin Roughness to the Touch % Rough	Leaf Blade Margin Hairs % Present	Leaf Sheath Auricle Hairs % Present	Rhizomes % Present	Lemma Hairs % Present	Palea Hairs % Present	Node Color % Distinct	Seed Weight (mg/1,000 seeds)
Covenant											
ATF802	0	83	17	0	99	90	0	100	100	18	2702
SBL	0	85	15	0	99	90	0	100	100	10	2580
SBM	0	78	17	5	100	92	0	100	100	5	3190
RB3	0	78	20	2	95	92	0	99	100	2	3973
RB2	0	88	12	0	96	97	0	100	100	3	2109
ATF799	0	72	18	10	92	91	0	100	100	5	2345
ATF800	0	55	43	2	92	90	0	100	100	5	3114
ATF704S1	0	77	18	5	95	92	0	99	100	20	2564
ATF803	0	70	23	7	99	95	0	100	100	10	3139
ATF805	0	82	15	3	96	90	0	99	100	0	3070
KY-31	0	55	37	8	96	94	0	100	100	32	2937
Rebel II	0	85	12	3	97	91	0	99	100	5	2310
Plantation	0	72	20	8	97	92	0	100	100	2	2463
Tulsa	0	90	7	3	97	96	0	100	100	8	2352
018	0	77	22	2	96	91	0	99	100	2	2345

■ Cultivar under evaluation

Measurements taken in Albany, Oregon

3 reps; 20 plants/rep = 60 data points

Panicle Type Inflorescence

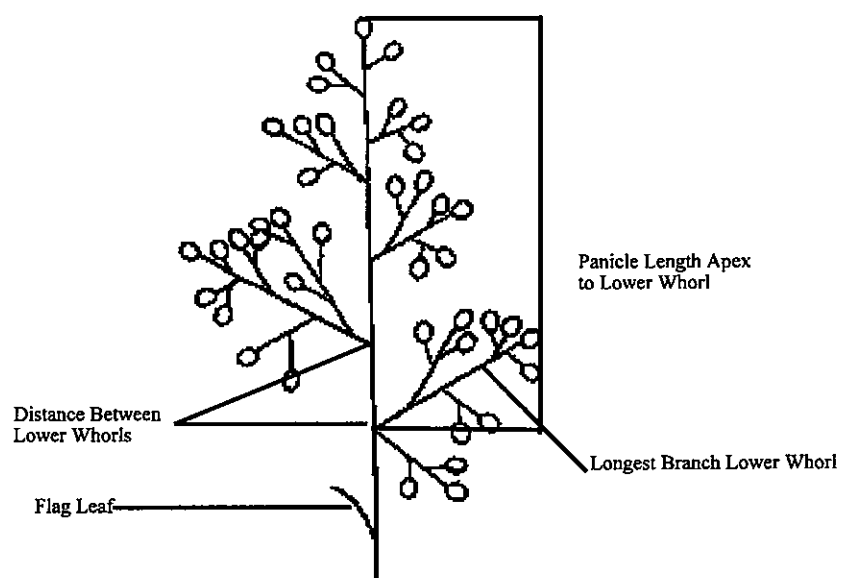


Illustration 1.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE**EXHIBIT E**
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) NexGen Seed Research, LLC	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER ATF802	3. VARIETY NAME Covenant
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) 33725 Columbus St. SE Albany, OR 97322 USA	5. TELEPHONE (Include area code) (541) 967-8923	6. FAX (Include area code) (541) 967-8223
7. PVPO NUMBER #200400102		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain. ☒ YES ☐ NO9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country. ☒ YES ☐ NO10. Is the applicant the original owner? ☒ YES ☐ NO If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?

☒ YES ☐ NO If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?

☒ YES ☐ NO If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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